

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE  
LICENSE OF

**EMPSON M. STEWART, L.P.N.**  
**License # 26NP04500500**

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER  
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Empson M. Stewart ("Respondent") is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about July 10, 2014, Respondent was asked to provide, inter alia, documentation of all continuing education completed in the last three years since June 1, 2010 within fifteen (15) days. The request was sent on behalf of the Board of Nursing by certified and regular mail. The certified mailing of the request was returned, unclaimed. The regular mailing was not returned. The Board received no response.
3. Respondent indicated on his 2013 renewal application that he would have completed all required continuing education for the June 1, 2011 – May 31, 2013 renewal period by May 31, 2013.

## CONCLUSIONS OF LAW

Respondent's failure to demonstrate timely completion of nursing continuing education requirements for the June 1, 2011 – May 31, 2013 renewal period constitutes a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on his 2013 renewal application that he would complete all required continuing education for the preceding renewal period by May 31, 2013 constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand and a two hundred and fifty dollar (\$250) civil penalty was entered on November 7, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent responded to the Provisional Order of Discipline and maintained that he was not aware that the Board had requested his proof of continuing education by letter. The letter that had been mailed to Respondent in July 2014, and to which Respondent partially responded, clearly asked "Have you taken any continuing education courses within the last **three** years. If yes, **please provide copies of the certificates of completion.**" (emphasis in original). In response to the Provisional

Order, Respondent failed to provide any certificates of completion and merely submitted a list of completed "activities." Without providing the certificates, Respondent is unable to demonstrate that the "activities" were approved and/or accredited as continuing education for nurses. Additionally, the list of activities indicates that even if the activities have been approved or accredited as continuing education for nurses, Respondent only completed 2.25 hours within the June 1, 2011 – May 31, 2013. Respondent was sent another letter advising him that he would need to provide the actual certificates of completion and remedy any deficiencies. The Board received no further response.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent failed to demonstrate completion of 30 hours of continuing education for the June 1, 2011 – May 31, 2013 biennial period, failed to cure the deficiency of that biennial period, as well as the 30 hours of continuing education that will be required for the June 1, 2013 – May 31, 2015 biennial period, the Board determined that suspension is warranted. Similarly, the Board determined that imposition of the two hundred and fifty dollar (\$250) civil penalty for failing to timely complete continuing education is warranted, as is a reprimand for Respondent's false answer on his 2013 renewal wherein he certified that he had completed the required continuing education when he had not done so.

ACCORDINGLY, IT IS on this 8<sup>th</sup> day of April, 2015

**ORDERED that:**

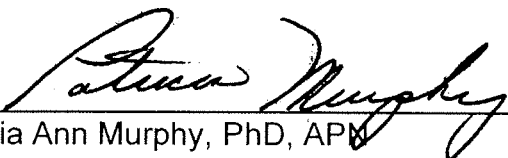
1. Respondent's nursing license is hereby suspended until further Board Order and until he demonstrates that he has satisfied the continuing education requirements from June 1, 2011 to the time of reinstatement, namely 30 contact hours for the June 1, 2011 – May 31, 2013 biennial period and 30 hours for the June 1, 2013 – May 31, 2015 biennial period.

2. A reprimand is hereby imposed for Respondent's violation of N.J.S.A. 45:1-21(b).

3. A two hundred and fifty dollar (\$250) civil penalty is hereby imposed for the violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Ann Murphy, PhD, APRN  
Board President